

**Notice of Allowability**

Application No.

10/634,407

Examiner */s/ A*

Kamran Afshar, 571-272-7796

Applicant(s)

MCNEW ET AL.

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☒ The drawings filed on 8/5/2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3/01/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1-28 are allowed.

The following is an examiner's statement of reasons for allowance: 1-28.

With respect to claims 1, 15, Keranen (U.S. Patent 6,681,099 B1) is the closest prior art to the application invention which discloses a method for causing generation of data for a wireless network wherein position determination of a handset (See e.g. Mobile phone, PDA, WAP telephony, etc.) is performed, the network including a Mobile Switching Center (MSC) and a Position determination Device (PDD) (See e.g. 20, 70, 15 of Fig. 1, Co. 3, Lines 23-30, 43-48, Abstract),

Hussain (U.S. Patent 6,351,644 B1) is the second closest prior art to the application invention which discloses a method for causing generation of data (i.e. position parameter) for a wireless network wherein position determination of a handset (See e.g. Mobile station, 3 of Fig. 1) is performed, the network including a Mobile Switching Center (MSC) and a Position determination Device (PDD) (See e.g. 5, 8, 2 of Fig. 1, Co. 3, Lines 10-25, Abstract).

Zadeh (U.S. Patent 6,516,195 B1), which discloses Method And System, For Optimizing A telecommunication utilizing positioning information In Network Recording Program.

However, the prior art of record fails singly or in combination to disclose or render obvious that the receiving a position response message from the PDD; sending a second position request message to the PDD in response to the same received phone call and the received position response message; continuously sending a plurality of subsequent position request messages to the PDD in response to the same received phone call; terminating the sending of a plurality of subsequent position request messages; and sending a call termination message to the MSC in response to the received termination trigger; and causing the generation of output data for use in network calibration.

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With respect to claims 6, 20, the prior art of record fails singly or in combination to disclose or render obvious that sending a position request message to the PDD in response to the received trigger; receiving a position request response message from the PDD; continuously sending subsequent position request messages to the PDD in response to the same received trigger, until a termination command is received; terminating the sending subsequent position request messages, when the termination command is received;

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) McCalmont (U.S. Pub. No.: 2004/0203884 A1), which discloses Method and system for determining location of a mobile communication unit.

b) Fauconnier (U.S. Pub. No.: 2002/0183075 A1), which discloses Technique for notification of mobile terminals by geographical co-ordinates.

c) Lundin (U.S. Pub. No.: 2001/0003093 A1), which discloses Communication system that communicates position information of roaming mobile stations.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Feild, Joseph** can be reached @ (571) 272-4090. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kamran Afshar



JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER